

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LACHANCE L. THOMAS,

Petitioner,

v.

T. ALLEN,

Respondent.

Case No. 1:23-cv-00690-EPG-HC

ORDER TO SHOW CAUSE WHY STAY
SHOULD NOT BE VACATED

Petitioner Lachance L. Thomas is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On November 8, 2023, the Court stayed the federal habeas proceedings pending exhaustion of state remedies and ordered Petitioner to file an initial status report within thirty days of the date of service of the order and every ninety days thereafter. (ECF No. 20.) Petitioner filed an initial status report on December 14, 2023. (ECF No. 21.) As over ninety days had passed without a subsequent status report, the Court ordered Petitioner to show cause why the stay should not be vacated on April 5, 2024. (ECF No. 22.) On April 24, 2024, Petitioner filed a response to the order to show cause and informed the Court of the status of his state court proceedings. (ECF No. 23.) On May 6, 2024, the Court discharged the order to show cause and ordered that Petitioner file a status report within ninety days and every ninety days thereafter. (ECF No. 24.)

1 Because over ninety days had passed without a subsequent status report, the Court issued
2 another order to show cause why the stay should not be vacated on August 21, 2024. (ECF No.
3 25.) On August 26, 2024, Petitioner filed a status report, stating that the California Supreme
4 Court had not ruled on Petitioner's petition and noting that the California Supreme Court "has
5 alluded that it has lost petitioner's motion." (ECF No. 26.) On August 27, 2024, the Court
6 discharged the order to show cause and ordered that Petitioner file a status report within ninety
7 days and every ninety days thereafter. (ECF No. 27.)

8 Again, over ninety days have passed without a subsequent status report. Local Rule 110
9 provides that "[f]ailure of counsel or of a party to comply with these Rules or with any order of
10 the Court may be grounds for imposition by the Court of any and all sanctions authorized by
11 statute or Rule or within the inherent power of the Court." The Court previously notified
12 Petitioner that failure to comply with the Court's order would result in the Court vacating the
13 stay. (ECF No. 20 at 2.)

14 Accordingly, IT IS HEREBY ORDERED that within FOURTEEN (14) days of the date
15 of service of this order, Petitioner shall show cause why the stay should not be vacated for failure
16 to obey the Court's order.

17
18 IT IS SO ORDERED.

19 Dated: **December 18, 2024**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE